

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

WILLIAM J. GRADFORD,

Plaintiff,

v.

F. VELASCO, et al,

Defendant.

1:22-cv-01493-JLT-HBK (PC)

ORDER NOTING PLAINTIFF'S ELECTION
AND INVOCATION OF RIGHT TO JURY
TRIAL

ORDER DENYING PLAINTIFF'S MOTION
FOR A SETTLEMENT CONFERENCE

(Doc. Nos. 14, 16)

Pending before the Court are Plaintiff's motion to change consent and for jury trial and motion for a settlement conference, filed on February 13, 2023 and April 24, 2023 respectively. (Doc. Nos. 14, 16). In his first "motion" Plaintiff states he wishes to change his consent to magistrate judge jurisdiction "to save the court and parties time" and demands a "jury trial." (Doc. No. 14). Plaintiff's first "motion" does not require court relief. The Court notes Plaintiff's change in election but, until all parties consent to magistrate judge jurisdiction under 28 U.S.C. § 636(c)(1), this case remains subject to adjudication by an Article III judge. The Court also recognizes Plaintiff's invocation of his right to a jury trial, should this case proceed. U.S. Const. Am. VII; 28 U.S.C. § 1861.

Regarding Plaintiff's motion for a settlement conference, on April 17, 2023, the undersigned issued Findings and Recommendations that Plaintiff, a prisoner, be required to pay the filing fee due pursuant to 28 U.S.C. § 1915(g). (Doc. No. 15). Thus, Plaintiff's complaint has not yet been screened under 28 U.S.C. § 1915A. Consequently, any request for a settlement conference is premature.

Accordingly, it is **ORDERED**:

1. The Court notes for the record Plaintiff's change of election and invocation of his right to a jury trial and the Clerk of Court shall term Plaintiff's motion (Doc. No. 14).
2. Plaintiff's motion for a settlement conference (Doc. No. 16) is DENIED as premature.

Dated: May 9, 2023


HELENA M. BARCH-KUCHTA
UNITED STATES MAGISTRATE JUDGE